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8	Attorneys for Complainant	
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10	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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12		
13	In the Matter of the Accusation Against:	Case No. 2 2008-160
14	JEANETTE COLLEEN SHAY GORTON, a.k.a. JEANETTE COLLEEN GORTON	ACCUSATION
15	19604 Crestmont Place Riverside, California 92508	
16	Registered Nurse License No. 294998	
17 18	Respondent.	
19	Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:	
20	<u>PARTIES</u>	
21	Complainant brings this Accusation solely in her official capacity as the	
22	Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer	
23	Affairs.	
24	Registered Nurse License	
25	2. On or about August 31, 1978, the Board issued Registered Nurse License	
26	Number 294998 to Jeanette Colleen Shay Gorton, also known as Jeanette Colleen Gorton	
27	("Respondent"). The registered nurse license was in full force and effect at all times relevant to	
28	the charges brought herein and will expire on October 31, 2009, unless renewed.	

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STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISION

6. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE 1 2 (Gross Negligence) 8. 3 Respondent's license is subject to discipline under Code section 2761, 4 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about April 9, 2003, while on duty as a registered nurse in the Corona Medical Center, Corona, California, and 5 6 providing assistance in the operating room as a circulating nurse, Respondent was guilty of gross 7 negligence in her care of patient D.T. within the meaning of Regulation 1442, as follows: 8 Respondent was responsible for conducting counts of the sponges and a. 9 sharps during and following the appendectomy of patient D.T. Respondent failed to perform the 10 sponge count pursuant to hospital policy and procedure, resulting in a sponge being left in patient D.T. 11 b. Patient D.T. required a second surgery to remove the sponge, which had 12 abscessed in patient D.T.'s abdomen. 13 14 SECOND CAUSE FOR DISCIPLINE 15 (Unprofessional Conduct) 9. Respondent is subject to discipline under Code section 2761, subdivision 16 17 (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 8, 18 above. 19 **PRAYER** 20 WHEREFORE, Complainant requests that a hearing be held on the matters herein 21 alleged, and that following the hearing, the Board of Registered Nursing issue a decision: 22 1. Revoking or suspending Registered Nurse License Number 294998, issued to Jeanette Colleen Shay Gorton; 23 2. 24 Ordering Jeanette Colleen Shay Gorton to pay the Board of Registered 25 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to 26 Business and Professions Code section 125.3;

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1	3. Taking such other and further action as deemed necessary and proper.	
2	DATED: 11/14/07	
3	0.40	
4	Who Hochburg for	
5	RUTH ANN TERRY, M.P.H., R.N. Executive Officer	
6	Board of Registered Nursing Department of Consumer Affairs State of California	
7	Complainant	
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